

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 501 OF 2006.

Sudhakar Waman Ahire.

... Applicant.

Versus.

The State (at the instance of
DCB Unit No.3).

... Respondent.

Shri Milan Desai for the Applicant.

Ms.Rajashree Gadhavi, A.P.P.for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 17th MARCH, 2006.

P.C.:

1. In view of the administrative order passed by the Hon'ble the Chief Justice, this bail application has been placed before me. The earlier bail application being Criminal Application No.3664 of 2005 has been rejected by me by order dated 4th July 2005.

2. The learned Counsel for the Applicant submitted that the only change in circumstance is that after rejection of the bail application by this Court by order dated 4th July 2005, the trial has not yet commenced.

3. As held by the Apex Court in the case of Kalyan Chand Sarkar, reported in (2005) 2 S.C.C. page 42, the second bail application is maintainable when it is shown that there is a substantial change in circumstances warranting interference with the view earlier taken. From what is pleaded in the Application by the

Applicant, it cannot be said that there is such a substantial change in circumstances. Hence no case is made out for entertaining the second bail application. Application is rejected. However, the trial of the case pending before the trial Court will be completed expeditiously by treating the same as High Court expedited trial.

Judge.